

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

FILED  
RICHARD J. LAGEL  
17 AUG 21 PM 2:01

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OHIO  
WEST OHIO CINCINNATI

United States of America  
v.

Michael Chan

Case No.

1:17MJ -629

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of \_\_\_\_\_ Listed in the affidavit \_\_\_\_\_ in the county of \_\_\_\_\_ Hamilton and Butler \_\_\_\_\_ in the  
Southern District of \_\_\_\_\_ Ohio \_\_\_\_\_, the defendant(s) violated:

Code Section

Offense Description

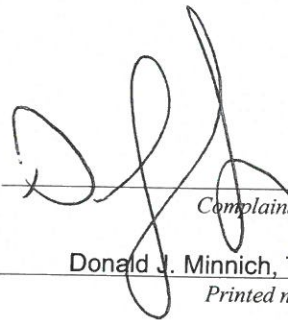
18 U.S.C. 2261A(2)(B)  
18 U.S.C. 1028(a)  
18 U.S.C. 875(c)

Harrassment and Intimidation of a person by mail or electronic device  
Identity Theft  
Threatening Communications

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.

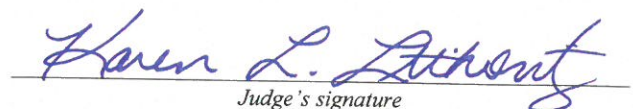


Complainant's signature

Donald J. Minnich, Task Force Officer, FBI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 8/21/17



Judge's signature

City and state: Cincinnati, Ohio

Hon. Karen L. Litkovitz, U.S. Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF**  
**A CRIMINAL COMPLAINT**

I, Donald J Minnich, a Task Force Officer with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

1. I am a Detective with the Hamilton County Sheriff's Office and have been assigned as a Task Force Officer with the Federal Bureau of Investigation (FBI) since June of 2013. I am currently assigned to investigate matters involving the online exploitation of children and cyber-crimes. Prior to joining the FBI Task Force, I was a Hamilton County Sheriff Deputy in Ohio for 22 years. Since joining the FBI Task Force, I have received training and experience in these types of investigations. I have made arrests and have executed search warrants pertaining to these types of investigations.

2. During my career as a Detective and Task Force Officer, I have participated in various investigations involving computer-related offenses and executed numerous search warrants to include those involving searches and seizures of computers, computer equipment, software, and electronically stored information. I have received both formal and informal training in the detection and investigation of computer-related offenses.

3. As a Task Force Officer, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

**INTRODUCTION**

4. I make this affidavit in support of an application for a criminal complaint and arrest warrant for Michael Chan., for violations of Title 18, United States Code, § 2261A(2)(B), which makes it a crime to harass and intimidate another person, by using the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or causes substantial distress to a person; Identity Theft, in violation of 18 U.S.C. § 1028(a) and Threatening Communications, in violation of 18 U.S.C. § 875(c)

Because this affidavit is being submitted for the limited purpose of securing an Arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Michael Chan has committed violations listed above.

#### **STATUTORY AUTHORITY**

5. This Complaint is based on alleged violations of Title 18, United States Code §2261A(2)(B) Stalking (whoever with intent to harass and intimidate another person uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, attempts to cause substantial emotional distress to that person.) Title 18, United States Code § 1028(a) Identity Theft and Title 18 United States Code, § 875(c) Threatening Communications.

Title 18, United States Code, §2261A(2)(B) provides in pertinent part that:

Whoever with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that (B)causes or attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person: shall be punished...

Title 18, United States Code, §1028(a) provides in pertinent part that:

Whoever ... knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law; shall be punished ...

Title 18, United States Code, §875(c) provides in pertinent part that:

Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined ... or imprisoned ...

#### **DETAILS OF THE INVESTIGATION**

6. Your Affiant states that in 2009 Kathryn Manning (victim) was involved in an



online game called the World of Warcraft. Kathryn stated that within her gaming group there were approximately 20 other players and while playing she became acquainted with several of the players. One of the players she became friends with was Michael Chan (Born XX/XX/1983). Chan lives in Bayside, NY and eventually began to communicate with Kathryn outside of World of Warcraft.

7. In the spring 2012, Chan came to Cincinnati, OH by Greyhound bus to visit Kathryn. Kathryn and her sister Kelly Manning picked Chan up at the bus station and drove him back to their residence at 1475 Alberta Dr. Hamilton, OH. 45013. Chan stayed at the Manning's residence for about a week then he took the Greyhound back to Bayside, NY. Kathryn made it clear to Chan that they were nothing more than friends. When Chan visited the Manning's, Kathryn's mother Becky Jo Manning was still alive. Becky Jo Manning passed away in the summer of 2012.

8. In August 2012, Chan came to Cincinnati, OH again, this time he was uninvited. Kathryn allowed him to stay with her family because he made her feel guilty. Chan once again stayed for about a week. There were times that Chan would stay alone at the Manning residence while the family was at work. Chan had access to Kathryn's room where she kept personal documents including her driver's license and social security card. Kathryn took Chan back to the Greyhound station after a week and advised him once again that they were only friends. Chan was upset because he wanted to be more than friends. Kathryn returned home after taking him to the bus station and saw that Chan had placed notes for her throughout the house. In September 2012, Kathryn invited another friend from World of Warcraft down to visit her at her residence. When Chan found out about this individual visiting her, he became very upset. Chan began to text Kathryn and call her at all hours of the day and sent her messages on Facebook. Around Thanksgiving 2012, the harassment became so bad that Kathryn had to block Chan's phone

number on her phone and unfriend him on Facebook. Kathryn continued to receive anonymous calls and texts through the end of 2012.

9. Kathryn began to receive magazine subscriptions in her name and pizza deliveries began to arrive at her residence. The subscriptions were made by an Internet Protocol (IP) address that was provided through the Tor (The Onion Router) network<sup>1</sup> which made it unable to be traced. The pizza deliveries were also made using a masked IP address. In the beginning of 2013, Kathryn made a report with the Hamilton Police Department. Detective Calhoun attempted to follow-up on the report by contacting Chan directly. Chan denied any involvement in the incidents. Shortly after contacting Chan, pizzas were being delivered to the Hamilton Police Department. Once again, the orders derived from an email account with a masked IP address from the Tor network.

10. Beginning in November 2014, Kathryn began to receive calls and texts from cell phone number (347)836-9138. The phone number was registered to Bandwith.com and is a Voice/IP number. A state subpoena was sent to Google by Detective Richey from the University of Cincinnati Police Department. Kathryn was a student at the University of Cincinnati at this time and had been receiving threats through her University of Cincinnati student email account. Google responded back to the subpoena on February 24, 2015 and advised that the account was created by email address: kelstonb@gmail.com, user: Michael Chan, with IP address: 96.246.55.189 from Bayside, NY.

11. On February 14, 2015, an email was sent to WLWT 5 News in Cincinnati, OH, which stated the subject was driving down from Canada to sexually assault and murder Kathryn

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<sup>1</sup> The Onion Router (TOR) is Tor is free software for enabling anonymous communication. The name is derived from an acronym for the original software project name "The Onion Router." A TOR directs Internet traffic through a free, worldwide, volunteer overlay network consisting of more than seven thousand relays to conceal a user's location and usage from anyone conducting network surveillance or traffic analysis. Using Tor makes it more difficult for Internet activity to be traced back to the user: this includes "visits to Web sites, online posts, instant messages, and other communication forms"



Manning. The subject said he had reached out to Detective Calhoun from Hamilton Police Department, but did not hear anything back from him. The subject put Kathryn's social security number, date of birth, and home address in the email. The subject used the email address of coolprada@juno.com. Juno.com is operated through the Tor network so there was no way to trace the IP address that the email was sent from.

12. Beginning in April 2015, Kathryn began getting emails from email address mike.kasperovich@vfemail.net. This email address was also run through the Tor network making it unable to be traced. The subject writing the emails attempted to act as if he was a friend of Kathryn's from World of Warcraft. Chan was also a player in the same group as Michael Kasperovich, whose name was incorporated in the above-listed email address. Kasperovich is from Toronto, Canada and had also visited Kathryn's residence. Kathryn stated that they were just friends and she had no problems with him. Chan was jealous of their relationship. Emails continued to come from this address through the end of 2015. The subject sent numerous emails stating he knew where Kathryn was and he was coming down to hurt her. He also sent an email stating he was having her followed and at one point put Kathryn's social security number in an email. The subject was able to see that Kathryn had previously been issued a DUI citation and sent emails mocking her.

13. On May 21, 2015, Kelly Manning received an email from the email address mike.kasperovich@vfemail.net asking if Kathryn liked the voice messages he had been leaving her and stated "I told you I would get your new number". The only unknown calls Kathryn was getting on her phone during this time period was from (347)836-9138; this number has been traced back to Chan, as being the subject that created this phone number using his personal email address. Kathryn also stated that Michael Kasperovich did not have access to her personal and sensitive documents while he stayed with her family for a few days in September 2012.

14. On April 13, 2015, Kelly Manning received an email from mike.kasperovich@vfemail.net stating that even though Kathryn froze her information he can still apply for a credit card. On April 17, 2015, Kathryn received an email from coolprada@juno.com. The email contained a letter from Springleaf Financial Services thanking her for applying for a loan. Kathryn never applied for any type of credit card or loan. At least three other attempts were made to open up credit cards using Kathryn's name and personal information. An attempt was made in January 2015 to open a Capital One Visa. The subject applied using the email address of coolprada@juno.com. On March 17, 2015, someone using email address coolprada@juno.com attempted to open a Total Visa credit card in Kathryn's name. On March 18, 2015, someone using the email address coolprada@juno.com attempted to open an American Express credit card in Kathryn's name. The same subject using the email address of coolprada@juno.com attempted to open a Barclay Bank credit card using Kathryn's personal information on March 22, 2015. In May 2015, two more attempts were made to open credit cards using Kathryn's personal information with Bank of America and Citibank. None of the attempts were successful.

15. Kathryn changed her email address, then the suspect began contacting Kelly Manning attempting to get in touch with Kathryn. The subject at one point sent an email to several students at the University of Cincinnati stating that he was an ex-boyfriend of Kathryn Manning, a student at the University of Cincinnati and he was trying to get in touch with her to let her know that he had tested positive for HIV. The emails were forwarded to the University's health department and they contacted Kathryn to advise her of the email. The subject then began to send emails to the University of Cincinnati Police Department and the Cincinnati Police Department, stating that if they did not have Kathryn contact him someone would be down to shoot up the campus. The subject also made bomb threats via email on February 14, 2015. These threats were sent using the email addresses of coolprada@juno.com, mikekasperovich@vfemail.net, and

mkaspero@yandex.com. All three email addresses were operated through the Tor network and were therefore untraceable.

16. In December 2015, Chan sent a certified letter to Kathryn advising her to cease and desist having any contact with him. Kathryn advised that she had no contact with him since November of 2012. Kathryn and Kelly began to get packages from Amazon.com in August 2016 for special occasions like their birthdays. A subpoena was sent to Amazon.com to get account holder information. Amazon.com replied stating that the account used to send the packages belonged to Michael Chan from Bayside, NY. Chan had been told several times in the past to not have any contact with Kathryn or Kelly.

17. Lieutenant Brinker (Brinker) from the University of Cincinnati Police Department conducted a recorded interview with Chan on October 19, 2016. Chan stated that his address is 35-35 210th St. Bayside, NY 11361 and he lived at this residence alone. He confirmed his email address is kelstonb@gmail.com and his home phone number is (718)229-3276. He also has a cell phone number (917)-751-1097. Chan believed that he and Kathryn were boyfriend and girlfriend. He was shocked when they broke up. Chan admitted to coming down to visit Kathryn one time. He also stated that he had not communicated with Kathryn in years.

18. On February 24, 2017, Brinker sent a text message to Chan asking him to call him to discuss ongoing emails and prank calls he had been receiving. Chan did not contact Brinker back. On March 13, 2017, Brinker received a text message on the cell phone only utilized to make contact with Chan, from a text application called www.onlinetextmessage.com. The message read "I am coming 2 pay U n kat manning a visit. Can u stop me? I took sum dayz off. U don't evn knoe what I am,cuck."

19. Brinker conducted another recorded interview with Michael Chan on March 1, 2017. Chan again stated that he considered Kathryn to be his ex-girlfriend. He acknowledged still



having strong feelings for her. Brinker asked Chan why he kept pranking him and sending pizzas to him. Chan denied all allegations and when Brinker stated the University of Cincinnati IT Department traced the calls back to him Chan became quiet. Brinker asked Chan the name of his counselor causing Chan to hang up. Brinker used one dedicated cell phone to make contact with Chan and he had only called Chan with this phone.

20. Brinker had not used the dedicated cell phone to discuss the Kathryn Manning case with any other person in this matter besides Chan.

21. Brinker received two text messages on dedicated cell phone from the text application on March 30, 2017, the first stated "Leftenant Brinker u r not answering n its making me mad. If u do not react I am going to attack Kathryn today and your school tomorrow. She will pay". Later that same day, Brinker received another text message on the dedicated cell phone from the same text application stating "(Katy and Chan) Brinker u will regret not noticing me sooner. Kathryn will regret this. No one can help her now". Chan is the only person that Brinker had contacted using this cell phone that has any knowledge of Kathryn Manning or the investigation.

22. On March 30, 2017, an email was sent to the University of Cincinnati Public Safety website that stated the subject was in Cincinnati, OH and coming to shoot faculty and staff and to rape Katy. An exigent court order was sent to Verizon Wireless to ping Chan's cell phone. Verizon stated that Chan's cell phone was still in New York. Detective McMahon (McMahon) from the University of Cincinnati Police Department contacted the New York City Police Department's 111<sup>th</sup> Precinct, which covers the jurisdiction where Chan lives. Officer Santos responded to Chan's residence and talked to him about any threats he may have sent to Brinker. Chan denied sending any text messages to Brinker. Officer Santos responded back to McMahon and advised her that he met with Chan. Approximately an hour after Officer Santos left Chan's residence, Kathryn and Brinker both began to receive emails and text messages from an anonymous sender.

23. University of Cincinnati Police, along with numerous high level officials and departments at the University of Cincinnati, continue to receive emails as recently as June 20, 2017. The emails are an attempt to harass and ultimately make contact with Kathryn Manning. Beginning on July 21, 2017 The University of Cincinnati Public Safety received an email labeled "Confessions-Stalking, Harassment of a UofC Student and Administrators" from the email address of jinxandtwitch@memeware.net. Within the email the subject confesses to meeting Kathryn Manning through World of Warcraft in 2011. The subject describes how throughout the previous five years he has harassed Kathryn Manning and made threats toward the University of Cincinnati. Within the email facts were stated that only Michael Chan and law enforcement officials investigating the case would have knowledge of.

24. The University of Cincinnati Public Safety received emails from the above-listed address on July 27, July 29, and August 1, 2017. The emails continued to describe the harassment and threats made toward Kathryn Manning and her extended family members. The subject describes how on August 13, 2017 he was going to arrive at Kathryn Manning's address to rape and kill her. The subject also stated that he would kill family members that might be with her. The subject also emailed various local media outlets stating his plan. An email was sent each day to the University of Cincinnati Public Safety in which a countdown clock for the days leading up to August 13, 2017 was displayed.

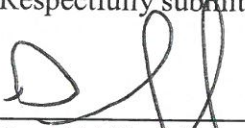
25. Precautions were put into place to assure that Kathryn Manning and her family were kept out of harm's way. The subject also emailed the Butler County Sheriff's Office and the Hamilton Police Department about his plan to rape and murder Kathryn Manning.

26. On August 13, 2017, the subject emailed University of Cincinnati Public Safety and advised that he was testing the response of law enforcement and did not believe Kathryn Manning was still residing at her father's address in Hamilton, Ohio.

CONCLUSION

27. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that Michael Chan, born XX-XX-1983, residing at 35 35 210<sup>th</sup> Street, Bayside, New York 11361, did commit or attempt to commit violations of Title 18, United States Code, §§ 2261A(2)(B), 18 U.S.C. § 1028(a) and 18 U.S.C. § 875(c) between November 2012 and August 2017. Therefore, I respectfully request the issuance of a warrant for the arrest of Michael Chan.

Respectfully submitted,

  
\_\_\_\_\_  
Donald Minnich  
Task Force Officer  
Federal Bureau of Investigation

Sworn and subscribed before me this 21 day of August 2017.

  
\_\_\_\_\_  
HONORABLE KAREN L. LITKOVITZ  
UNITED STATES MAGISTRATE JUDGE